

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
JOSEPH P. ODENWALDER, ET AL.
Serial No.: 10/756,868

Confirmation No.: 3404
Group Art Unit: 2611
Examiner: Young Toi Tse

Title: HIGH DATA RATE CDMA WIRELESS
COMMUNICATION SYSTEM USING VARIABLE
SIZED CHANNEL CODES

Filed: January 13, 2004

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kenneth K. Vu, represent that I am a patent attorney of record for this invention.

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

This invention is assigned to Qualcomm Incorporated of San Diego, California. Qualcomm Incorporated owns 100 per cent interest in the present application. The assignment was recorded on reel 008090, frame 0359.

Qualcomm Incorporated hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory period of United States Patent Nos. 5,926,500 and 5,930,230, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Application Serial Nos. 5,926,500 and 5,930,230, this agreement to run with any

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patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Qualcomm Incorporated does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent Application Serial Nos. 5,926,500 and 5,930,230, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Any patent granted on this application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with United States Patent Application Serial Nos. 5,926,500 and 5,930,230 which formed the basis for the double patenting rejection in the present application.

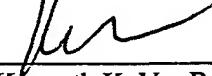
The Patent Office is authorized to charge \$140.00 (large entity) to Deposit Account 17-0026 to cover the fee required under 37 CFR §1.20(d).

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Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this application to Deposit Account 17-0026.

Respectfully submitted,

Date: May 12, 2009


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